

Congress of the United States
Washington, DC 20515

January 25, 2022

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528

Dear Secretary Mayorkas:

As you are aware, over the past two years, the COVID-19 pandemic has disrupted the U.S. economy and has had a considerable impact on one of our most important economic sectors—the food supply chain. As we now enter the third year of the pandemic, we must do everything we can to mitigate further damage to this sector and ensure that our food supply is robust and secure. For agriculture, this starts in the field.

As demographics of the agricultural workforce continue to shift, employers have become increasingly reliant on the H-2A program to fill open positions. In fiscal year (FY) 2021, the Department of Labor (DOL) certified more than 317,000 H-2A positions, up 15 percent from FY 2020, and three times higher than the number of positions certified in FY 2013.¹ Due to seasonality and other factors, a successful agricultural cycle is deeply dependent on the availability of workers at specific times. However, this critical balance may be disturbed by the January 22, 2022, Department of Homeland Security (DHS) policy requiring all non-U.S. individuals who enter the United States to be fully vaccinated against COVID-19.² To be admitted, travelers must show proof of a Centers for Disease Control (CDC) approved vaccination.

While we support the Administration's efforts to combat the pandemic and respect the need to protect public health, we are concerned that CDC-approved vaccinations may not be readily available in all H-2A eligible countries or in the rural areas in which such workers reside. Without additional flexibilities, this policy has the potential to further damage the agricultural sector by prohibiting H-2A workers from entering the United States to begin work as required by the agricultural cycle. As such, we ask that you work with representatives of the agricultural sector to create alternative ways for H-2A workers to enter the United States without comprising public health. For example, for those who are unable to obtain a CDC-approved vaccination, an alternative might be for the individual to present proof of a negative COVID test and test for

¹ See generally, Dep't of Labor, Employment and Training Administration, Performance Data, <https://www.dol.gov/agencies/eta/foreign-labor/performance>.


² Dep't of Homeland Security, *DHS to Require Non-U.S. Individual Travelers Entering the United States at Land Ports of Entry and Ferry Terminals to be Fully Vaccinated Against COVID-19*, (Jan. 20, 2022), <https://www.dhs.gov/news/2022/01/20/dhs-require-non-us-individual-travelers-entering-united-states-land-ports-entry-and#:~:text=%E2%80%9CStarting%20on%20January%202022%2C%202022,related%20proof%20of%20vaccination%2C%E2%80%9D%20said.>


COVID upon arrival, receive a vaccination at the border, and isolate or contain movement for the appropriate time period.

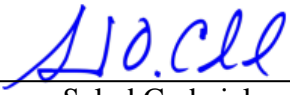
While protecting public health is a matter of national security, so too is a domestic food supply that is stable and safe. Working together with our nation's growers and workers, we are confident that the right balance to protect the national interest during these challenging times can be found. We stand ready to work with you to achieve this goal.


Sincerely,



Zoe Lofgren
Member of Congress



Jimmy Panetta
Member of Congress

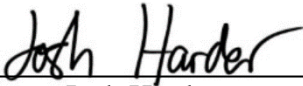

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